

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

VICTOR CEDILLOS,

Plaintiff,

v.

YOUNGBLOOD, *et al.*,

Defendants.

Case No. 1:21-cv-00138-BAM (PC)

ORDER STRIKING UNSIGNED
CONSENT/DECLINE FORM
(ECF No. 5)

ORDER DIRECTING CLERK OF COURT TO
SERVE COPY OF CONSENT/DECLINE
FORM (ECF No. 5) TO PLAINTIFF

THIRTY (30) DAY DEADLINE

Plaintiff Victor Cedillos (“Plaintiff”) is a former county jail inmate proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On February 3, 2021, the Court ordered Plaintiff to either consent to or decline Magistrate Judge jurisdiction. (ECF No. 3.) On March 4, 2021, Plaintiff returned the consent/decline form, which was filed pursuant to Federal Rule of Civil Procedure 73(b)(1) such that it is viewable by only attorneys and court staff, but not judges. (ECF No. 5.) Although the Court has not viewed the filing, court staff noted in the docket entry that Plaintiff did not sign the form.

Both the Federal Rules of Civil Procedure and this Court’s Local Rules require that all filed pleadings, motions and papers be signed by at least one attorney of record or by the party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). As the document is unsigned, the Court must strike it from the record.

1 Plaintiff must resubmit the consent/decline form with a signature in order for it to be
2 properly filed with the Court. The Court will direct the Clerk of the Court to send Plaintiff a copy
3 of the original form, and Plaintiff should sign in the correct location and return the form to the
4 Court. Only court staff and attorneys will be able to view the contents of the form.

5 Accordingly, IT IS HEREBY ORDERED as follows:

6 1. Plaintiff's consent/decline of U.S. Magistrate Judge jurisdiction, (ECF No. 5), is
7 STRICKEN from the record for lack of signature;
8 2. The Clerk of the Court is directed to serve Plaintiff a copy of Plaintiff's consent/decline of
9 U.S. Magistrate Judge jurisdiction, (ECF No. 5), at his current address of record; and
10 3. Plaintiff's signed consent/decline of U.S. Magistrate Judge jurisdiction is due **thirty (30)**
11 **days** from the date of service of this order.

12 IT IS SO ORDERED.
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14 Dated: March 8, 2021

15 /s/ Barbara A. McAuliffe
16 UNITED STATES MAGISTRATE JUDGE
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